

## **High Need Tier II Application Process Oklahoma State Department of Education (OSDE) Special Education Services (SES)**

The Individuals with Disabilities Education Act (IDEA) of 2004 granted states the flexibility to set aside a percent of the funds reserved for state-level activities to establish a funding mechanism that would reimburse local educational agencies (LEAs) for costs of high need students with disabilities.

The High Needs Risk Pool is established in 34 C.F.R. § 611 (e) (3) of the IDEA 2004. The act allows the State to develop a State plan that establishes the following: a definition of a high need child with a disability, the criteria for participation by school districts in the program, a plan to ensure that placements supported by the funds are consistent with requirements in 34 C.F.R. § 300.114 – 300.118, the funding mechanism for the distribution of funds under this program and an annual distribution schedule in accordance the appropriation of other funds in that fiscal year. The Oklahoma State Department of Education (OSDE), in collaboration with a group of stakeholders, has developed an application process to reimburse LEAs for the excessive costs of high need students.

The application process enables LEAs to request assistance for providing direct special educational costs for high need children with disabilities who meet the criteria established in IDEA 2004.

### **I.) Purpose:**

These funds will assist local school systems in covering the direct special education instructional costs of children with disabilities who meet the criteria established in IDEA 2004. Approximately \$1,000,000 will be available for distribution to local systems through the High Need Tier II Grant for High Cost.

### **II.) Definition: High Need Child with a Disability:**

1) A “High Need Child” is defined as a child who has been identified as eligible for special education and related services and has a current Individualized Education Program (IEP). The intensity, frequency and diversity of the special education needs of the child exceeded the typical needs of a child with a disability.

2) IDEA 2004 requires the eligibility for reimbursement for a high needs student be at least three times the average per pupil expenditure as defined in Section 9101 of the Elementary and Secondary Education Act of 1965.

3) In some cases, the direct educational costs of providing the special education services to the high needs child present a significant impact on the financial resources of a school system. This impact is likely to impair the system’s ability to provide the required educational programs to other students.

### **III.) Application Procedures for High Need Tier II:**

- 1) Submission of a properly completed application (provided on the OSDE-SES website) within the annual time frame established.
- 2) A school system may only seek reimbursement for appropriately incurred costs that exceed three times the state average pupil expenditure as calculated annually. The total cost of all high need students in the LEA must be at least ten percent (10%) of the LEA's prior year's IDEA Flow-Through allocation. Appropriate costs are those associated with providing direct special education instructional and related services as identified within the child's IEP.
- 3) The costs eligible for reimbursement shall **not** include the following: legal fees, court costs or other costs associated with a cause of action brought on behalf of a child with a disability to ensure a free appropriate public education, non extraordinary nursing costs, indirect costs and administrative or leadership costs associated with the provision of the services to the child.
- 4) Allowable expenditures include, but are not limited to: one to one assistance, extended school year services, specially trained related service providers, public or private day programs, specialized equipment or materials/supplies specific to the child and contracted services.
- 5) Transportation costs are limited to personnel, equipment or services required for the specific high needs cost as identified in the child's IEP. Any transportation costs not specific to the high need student will be unallowable.
- 6) A school system submitting a claim under this provision of IDEA shall be prepared to provide documentation that may include, but is not limited to, a copy of contracts for services, invoices and payment records, the child's IEP, payroll records, and invoices for all instructional supplies and equipment associated specifically with the special education program provided to the high needs child.
- 7) Disbursements from this fund shall not be used to pay costs that otherwise would be reimbursed as medical assistance for a child with a disability under the State Medicaid program under Title XIX of the Social Security Act.

### **IV.) Timelines and Notification of Awards Status:**

- 1) Annually, the High Needs Grant Award program will begin accepting applications in June. The ending date for submission is the fourth Friday of July each fiscal year. The award letters for the High Needs Grant Award program expenditures in a school year will be issued after the application review process has been completed.
- 2) Risk pool funds do not carry-over and must be expended or encumbered before June 30.
- 3) The High Needs Grant Award cannot be used for expenses incurred for the high needs student in prior years.
- 4) All applications received by the end of the business day on the fourth Friday of July, will be reviewed by staff of the OSDE-SES Finance Team to determine if the unique qualities of the high needs child

related to intensity of and diversity of services are in excess of the typical needs of a child with a disability. The documentation of prior interventions and resources targeted to meet the provision FAPE of the high needs child included in the High Needs Grant Award application will also be reviewed.

Letters of award or denial will be generated by the OSDE-SES and sent to the Superintendent of the LEA following the approval process. The funds will be made available to LEAs through the on-line Grant Management System and High Need Tier II Budget Application. Once the award letter is received, the district may begin budgeting the money, according to the OCAS function and object codes, to the IDEA, Part B High Needs budget application (Project 627) for approval.